IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.8841 Of 2004

Mrs.Indira Sajnani i/h M/s.S.M. Associates for the Petitioner.

Mr.A.Y.Sakhare with Mr.A.J. Bhor for Respondent No.1.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 4TH MAY,2005

P.C.:

By this petition what is challenged is an interim order passed by the appellate authority directing the Petitioner to deposit certain amount as a pre-condition for hearing of the appeal. If the amount has been wrongly calculated, the remedy of the Petitioner is to approach the Appellate court for correction in the calculation of the amount. Even if some excess amount is directed to be deposited by the Appellate Court,

in my opinion, it will not result in causing any irreparable injury to the Petitioner, because in case the Petitioner succeeds in the appeal the Petitioner will get back the amount which is deposited in excess with interest. The Petitioner is a bank, therefore, it cannot be said that because the interim order requiring it to deposit some amount wrongly, it results in failure of justice, so as to entitle this court to interfere with the order in exercise of its jurisdiction under Article 227 of the Constitution of India. The Petition is rejected.

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